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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE OF :
:
JACK MARTIN GELB, D.D.S. :
:
TO PRACTICE DENTISTRY IN THE :
STATE OF NEW JERSEY. :
:

Administrative Action

DECISION
AND FINAL ORDER

This matter was opened to the New Jersey State Board of Dentistry (hereinafter "Board") upon the filing of an Administrative Complaint on May 19, 1986, by W. Cary Edwards, Attorney General of New Jersey (Deputy Attorney General Kathy Rohr, appearing) alleging that on September 19, 1984 respondent entered a plea of guilty in the Supreme Court of New York, Kings County to two counts of grand larceny in the second degree, in violation of § 155.35 of the New York State Penal Law. Respondent thereby admitted that he submitted false claims for services to the New York State Medical Assistance Program causing the program to pay him in excess of \$50,000.

Subsequently, on November 20, 1984, pursuant to the plea bargain reached between the State of New York and the respondent, the Honorable Joseph J. Levine sentenced the respondent, Jack Martin Gelb, D.D.S., as follows: 1) five (5) months on each of the two counts of Grand Larceny to run concurrently; 2) reimbursement

to the State of \$50,643.80 with an assessment of \$75.00; and 3) surrender of his license to practice dentistry.

On the hearing date of this matter, August 5, 1987, respondent, prior to the presentation of the State's case, retracted his answer and entered a plea of non vult to the charges. In mitigation of the Board's proposal to revoke respondent's license, the Board considered the information submitted by respondent, the testimony of respondent and his attorney, as well as the nature of the crimes for which respondent was convicted. Following are the Board of Dentistry's Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

The Board of Dentistry finds that on or about September 19, 1984 respondent was convicted in the Supreme Court of New York, Kings County for two counts of grand larceny in the second degree in violation of § 155.35 of the New York State Penal Law. On November 20, 1984 respondent surrendered his license to practice dentistry to the New York Board of Regents and that license remains on file at the Division of Professional Licensing Services in Albany. The Board also finds that on October 22, 1985, based upon respondent's voluntary resignation of his New York license, respondent's license to practice dentistry in the Commonwealth of Pennsylvania was cancelled with a prohibition against restoration of said license for a period of one (1) year.

CONCLUSIONS OF LAW

The Board of Dentistry concludes that the convictions for the crimes enumerated in the Complaint and set forth hereinabove constitute convictions of crimes involving moral turpitude and relating adversely to the practice of dentistry within the meaning of N.J.S.A. 45:1-21(f); and N.J.S.A. 45:6-7(b).

The Board has considered the record in this matter and the information submitted by respondent in mitigation of penalty. The nature and seriousness of the crimes committed by respondent cannot be minimized or overlooked, nor can the effect that the offenses and subsequent conviction have on the profession as a whole be disregarded. Dr. Gelb's theft was substantial. He was originally indicted on fifty-one (51) counts of criminal conduct, and through his fraudulent acts he was found to have stolen over fifty thousand (\$50,000) dollars from the State of New York. Additionally, respondent's thievery was not an isolated incident but a multitude of lies and fraudulent claims against New York's Medicaid program. Indeed, the Honorable Joseph J. Levine appropriately stated in his sentencing of respondent:

... In a sense, your crimes are as violent as any I see before me. They do violence to a society trying to provide medical care for all its citizens. They do violence to the trust people place in their medical professions By licensing you to practice dentistry the State was granting you the privilege of caring for its residents; a privilege that is as much conditioned on one's good moral character as it is on technical proficiency....

Unequivocally, respondent's actions and convictions give rise to questions concerning his honesty and integrity and thereby his

moral character and fundamental capacity to engage in the profession. Additionally, respondent's testimony before this Board was evasive and offered no solace in urging the Board to consider not revoking respondent's license.


DECISION AND ORDER

The Board recognizes the serious personnel losses which may have occurred to respondent thus far as a result of his conviction, but has determined that the seriousness of the crimes committed outweighs the personal considerations.

THEREFORE, IT IS on this 10 day of September, 1987,

ORDERED that:

The license of respondent, Jack M. Gelb, D.D.S., to practice dentistry in the State of New Jersey shall be and is hereby revoked and respondent shall immediately surrender his wall certificate and license to the Board.


Joseph Galletta, D.D.S.
President
State Board of Dentistry